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Applicable or Relevant and Appropriate Requirements (ARARs)

The lead federal agency (BLM) is responsible for the identification of ARARs of all environmental laws that pertain to any CERCLA removal actions. As defined in the Guidance on Consideration of ARARs During Removal Actions (EPA 1991):

“Applicable requirements are cleanup standards, standards of control, and other substantive requirements, criteria or limitations promulgated under Federal environmental or State environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances found at a CERCLA site.

Relevant and appropriate requirements are cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or State environmental or facility siting laws that, while not “applicable” to a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site and are well-suited to the particular site.

Other information To Be Considered (TBC) generally falls within three categories: health effects information with a high degree of credibility; technical information on how to perform or evaluate site investigations or response actions; and policy.”

The ARARs presented and evaluated for this EE/CA are presented in three groups as follows:

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- Standards established for specific chemicals found on the site (chemical-specific),
- Restrictions based on the location of the site (location-specific), and
- Limitations on actions associated with a CERCLA removal action (action-specific).

The matrix presented in Table 5-1 identifies the major federal and state environmental laws but may not be entirely inclusive. The designation of the applicability of federal and state laws is ultimately the responsibility of the BLM. The designations suggested in this EE/CA should be used as guidance when working with other federal agencies and state regulators involved in the final removal action. Actual values for identified chemical-specific ARARs are presented in Section 3, Source Nature and Extent of Contamination.

5. Applicable or Relevant and Appropriate Requirements

Table 5-1: APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS

Standards, Requirement, Criteria, or Limitation	Citation	Description	Applicable or Relevant and Appropriate
Chemical-Specific			
Colorado Department of Public Health and Environment (CDPHE) Soil Screening Level - Residential Scenario PRG Calculations (1997)	NA	http://www.cdphe.state.co.us/hm/soilplcydraft.asp	Applicable
CDPHE Soil Screening Level – Industrial Scenario PRG Calculations (1997)	NA	http://www.cdphe.state.co.us/hm/soilplcydraft.asp	Applicable
CDPHE Soil Screening Level - Commercial Scenario PRG Calculations (1997)	NA	http://www.cdphe.state.co.us/hm/soilplcydraft.asp	Applicable
CDPHE Basic Standards and Methodologies for Surface Water, Regulation No. 31 (2001)	NA	http://www.cdphe.state.co.us/op/regs/waterregs/100231basicstandards.pdf	Relevant
CDPHE Basic Standards for Groundwater, Regulation No. 41 (1999)	NA	http://www.cdphe.state.co.us/op/regs/waterregs/100241basicstandardsforgroundwater.pdf	Relevant
CDPHE Classification and Numeric Standards for Lower Colorado River Basin, Regulation No.37 (2004)	NA	http://www.cdphe.state.co.us/op/regs/waterregs/100237wqclowercolorado92003.pdf	Relevant
CDPHE Table for Lower Colorado River, Segment 1	NA	http://www.cdphe.state.co.us/op/regs/waterregs/100237wqclowercoloradotables92003.pdf	Relevant
Colorado Environmental Improvement Act	Chapter 25 Articles 6.5 and 6.7, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant

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Table 5-1: APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS

Standards, Requirement, Criteria, or Limitation	Citation	Description	Applicable or Relevant and Appropriate
Colorado Water Quality Act and subsequent regulations	Chapter 25, Article 8, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Standards for Interstate and Intrastate Surface Waters – Diversion of Waters from State	Chapter 37, Article 81, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Water Supply Regulations and Minimum General Sanitary Standards	Chapter 25, Article 1.5, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Hazardous Waste Act and subsequent regulations	Chapter 25, Article 15, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Air Quality Control Act	Chapter 25, Article 7, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Mining Act and Subsequent Non-Coal Mining Regulations	Chapter 34, Article 21, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Colorado Environmental Division – Ground water Pollution Prevention Section	5 CCR 1001	http://www.cdphe.state.co.us/op/regs/waterqualityregs.asp	Relevant
Location-Specific			
Colorado Land Use Act – Protection of Historical and Cultural Properties and subsequent regulations	36 CFR 800 (1986)	http://archnet.asu.edu/archnet/topical/crm/usdocs/law800.htm	Substantive requirements are applicable.
Colorado Land Use Control and Conservation and subsequent regulations	CRS 24-65.1-101 and CRS 29-20-101	http://www.coloradohistory-oahp.org/publications/statutes.htm	Substantive requirements are applicable.
Colorado Historical, Prehistoric, and Archaeological Resources rules and procedures	#1308b 8 CCR 1504-7 Office of Archaeology & Historic Preservation, Colorado Historical Society	http://www.coloradohistory-oahp.org/publications/statutes.htm	Substantive requirements are applicable.

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Standards, Requirement, Criteria, or Limitation	Citation	Description	Applicable or Relevant and Appropriate
Endangered Species Act of 1973	16 U.S.C. § 1531-1534	http://endangered.fws.gov/esa.html	Substantive requirements are applicable.
Historical, Prehistoric & Archaeological Resources Act	CRS 24-80-401	http://www.coloradohistory-oahp.org/publications/statutes.htm	Substantive requirements are applicable.
CDPHE - Wildlife General Provisions	Chapter 33 CDPHE 2003	http://www.cdphe.state.co.us/	Substantive requirements are applicable.
The Colorado Environmental Covenant Law	NA	http://www.cdphe.state.co.us/hm/covenant/envcovenantsSB01-145.pdf	Applicable
National Environmental Policy Act	7 CFR 799 (1969)	http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm	Substantive requirements are applicable.
Non-game and Endangered Species Conservation	Chapter 33, Articles 2 and 8 CDPHE 2003	Requires action to conserve endangered species and critical habitat.	Substantive requirements are applicable.
Action-Specific			
Colorado Water Quality Control Commission Regulations	5 CCR 1001	http://www.cdphe.state.co.us/op/regs/waterqualityregs.asp	Relevant
Colorado Air Quality Regulations	Chapter 25, Article 7 (CDPHE 2003) and 5 CCR 1001	http://www.cdphe.state.co.us/ and http://www.cdphe.state.co.us/regulate.asp	Relevant
Colorado Solid Waste Regulations	Chapter 25, Articles 10 and 17 (CDPHE 2003) and 6 CCR 1007-2 Sections 2 and 3	http://www.cdphe.state.co.us/ and http://www.cdphe.state.co.us/regulate.asp	Applicable
Colorado Mining Act and Subsequent Non-coal Mining Regulations	Chapter 34, Article 21, CDPHE 2003	http://www.cdphe.state.co.us/	Relevant
Hazardous Materials Transportation Act: Standards Applicable to Transport of Hazardous Materials	49 USC § 1801-1813 49 CFR Parts 10, 171-173 and 177	Requires placing, packaging, documentation for the movement of hazardous materials on public roadways.	Applicable

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Standards, Requirement, Criteria, or Limitation	Citation	Description	Applicable or Relevant and Appropriate
Closure Criteria for Municipal Solid Waste landfills	40 CFR Part 258.60 (a)(1-3)	Establishes design for caps.	Applicable for capping alternative
To Be Considered			
Colorado Department of Public Health and Environment Proposed Soil Remediation Objectives Policy Document	NA	http://www.cdphe.state.co.us/hm/soilplcydraft.asp	To Be Considered
Colorado Closure Guidance for Mining Sites	Article XVI	http://www.cdphe.state.co.us/	To Be Considered
Monitoring Well Construction and Abandonment Guidelines	2 CCR 402-2	http://water.state.co.us/boe/rulesregs/constructionrules05.pdf	To Be Considered
Colorado Guidelines for Liner Material and Site Preparation for Synthetically-Lined Lagoons	NA	Guidelines for liner material and site preparation.	To Be Considered
Interim Guidance on Establishing Soil Lead Cleanup levels at Superfund Sites	EPA Directive #9355.4-02, September 1989	Suggests levels for lead in soil – this factor is considered whenever lead is found at elevated concentrations in soils.	To be considered
Risk management Criteria for Metals at BLM Mining Sites	Ford, K.L., 1996, <i>Risk Management Criteria for metals at BLM Mining Sites</i> (Technical note 390) and BLM, 1998, <i>Interim Revision of Wildlife Management Criteria</i> .	BLM risk management criteria for metals at mining sites used to evaluate the potential risk posed by these metals; criteria have been developed for human, livestock, and wildlife receptors.	To be considered
EPA Region III Risk-Based Concentration, Tap Water	EPA Region III RBC Table (10/15/2003)	Risk-based concentrations for contaminants in tap water.	To be considered

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Standards, Requirement, Criteria, or Limitation	Citation	Description	Applicable or Relevant and Appropriate
EPA Region III Risk-Based Concentration, Industrial	EPA Region III RBC Table (10/15/2003)	Risk-based concentrations for contaminants in soil at industrial sites	To be considered
EPA Region III Risk-Based Concentration, Residential	EPA Region III RBC Table (10/15/2003)	Risk-based concentrations for contaminants in soil at residential sites	To be considered
EPA Region 6 Ecological Benchmarks for Soil	NA	Ecological benchmarks for soil.	To Be Considered